



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3363

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2TTT new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice to include in a contract for the sale or lease of consumer goods or services a provision that requires a consumer to waive his or her right to make any statement regarding the consumer's experience with the business. Establishes civil penalties and provides for the deposit of civil penalties into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund.

LRB099 09473 JLS 29681 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2TTT as follows:

6 (815 ILCS 505/2TTT new)

7 Sec. 2TTT. Consumer experience statements.

8 (a) It is an unlawful practice to include in a contract or
9 proposed contract for the sale or lease of consumer goods or
10 services any provision requiring the consumer to waive his or
11 her right to make any statement regarding the consumer's
12 experience with the business.

13 (b) It is an unlawful practice to threaten or seek to
14 enforce a provision prohibited under subsection (a) or to
15 otherwise penalize a consumer for making such a statement
16 unless the waiver of the right was knowing, voluntary, and
17 intelligent.

18 (c) The party that drafted the waiver provision has the
19 burden of proving that the waiver was knowing, voluntary, and
20 intelligent.

21 (d) A provision that violates this Section is
22 unconscionable and against public policy. Any waiver of the
23 provisions of this Section is contrary to public policy and is

1 void and unenforceable.

2 (e) A person who violates this Section is subject to a
3 civil penalty not to exceed \$2,500 for the first violation and
4 \$5,000 for each subsequent violation. Money collected under
5 this Section shall be deposited into the Attorney General Court
6 Ordered and Voluntary Compliance Payment Projects Fund.

7 (f) The penalty provided under this Section is not an
8 exclusive remedy and does not affect any other relief or remedy
9 provided by law.